THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.26303 of 2007

Date: 11th DECEMBER, 2007

Between :
M/s. Akkanti Glass Store,
Hyderabad.

.....Petitioner

And

The Commercial Tax Officer,
N.S. Road Circle, Hyderabad and others..

.....Respondents.

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 26303 of 2007

ORDER : (Per Hon'ble Smt. Justice T. Meena Kumari)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner-company filed the present writ petition seeking a writ of mandamus declaring the notice issued by the 1st respondent in Rc No. CTO/21/2007, dated 26.11.2007 as illegal, arbitrary and without jurisdiction.

The grievance of the petitioner is that even when the appeals filed by the petitioner against the assessment order are pending before the Appellate Deputy Commissioner, Commercial Taxes, Punjagutta Division, Hyderabad, the first respondent issued the impugned notice dated 26.11.2007 directing the petitioner to pay the arrears of tax of Rs.9,79,034/- and Rs. 11,98,064/- towards penalty under VAT. Hence, it filed the present writ petition seeking appropriate directions.

We have gone through the record. We feel that the interests of justice would have been met if stay was granted pending appeals, subject to deposit of half of the demanded amount. Therefore, we set aside the impugned notice dated 26.11.2007 and direct the petitioner to pay 50% of the demanded amount within a period of six weeks from today. For six weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within

the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals. If any amount has already been paid by the petitioner, the same shall be given credit to.

Writ Petition is disposed of accordingly. No costs.

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T. MEENA KUMARI,J

DATE: 11th December, 2007

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G. ROHINI, ,J

Note:
Furnish c.c. in two days
b/o
pnb